

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)	
)	
)	No. 3:07-CR-52
V.)	(VARLAN/SHIRLEY)
)	
)	
KIRSTEN WEBB)	

MEMORANDUM AND ORDER

The defendant appeared for an initial appearance on a Petition for Action on Conditions of Pretrial Release [Doc. 26] dated August 22, 2007. Tracy Stone, Assistant United States Attorney, was present representing the government and Theodore Kern was present representing the defendant.

The defendant was released pursuant to an Order Setting Conditions of Release on May 8, 2007 [Doc. 13]. Conditions of defendant's release included that she not commit any offense in violation of federal, state, or local law, have mental health counseling, no weapons, no illegal drugs, drug screens substance abuse treatment, electronic monitoring, report any contact with law enforcement to Pretrial Service, and third party custody by mother.

A petition for action on conditions of pretrial release has been filed by defendant's pretrial services officer on August 22, 2007, stating the following violations: on August 21, 2007, the defendant was arrested by the Knoxville Police Department and charged with DUI, Felony Theft, Roadway Lane Violation, Failure to Provide Proof of Insurance and no seatbelt. The Affidavit states "The defendant was involved in a motor vehicle accident when she crossed out of her lane into oncoming traffic, which left her vehicle in a ravine after colliding with another vehicle. The vehicle she was driving at the time of the accident had been reported

stolen...the defendant had slurred speech, admitted to having two bourbon drinks and six anti-anxiety pills and a witness observed her leave her travel lane twice.” The Court was also advised that her actions constituted a violation of electronic monitoring conditions.

At the 18 U.S.C. § 3148 hearing on September 5, 2007, Theodore Kern, counsel for the defendant, stated that the defendant wished to waive her right to a revocation hearing and signed the appropriate waiver.

Accordingly, this Court finds that pursuant to 18 U.S.C. § 3148, there is probable cause to believe that the defendant committed a Federal, State, or Local crime while on release and that there is clear and convincing evidence that the defendant has violated other conditions of release. The Court also finds that there no conditions or combination of conditions of release will assure that the defendant will not flee or pose a danger to the safety of another person and that the defendant is unlikely to abide by any conditions or combination of conditions of release. Therefore, the Order Setting Conditions of Release is hereby **REVOKED** and the defendant is remanded to the custody of the United States Marshal pending her trial on **September 12, 2007**, at **9:00 a.m.**, before the **Honorable Thomas A. Varlan**, United States District Judge.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge